

PROB 12B  
(7/93)

## UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

Filed 2-9-15  
Clerk, U. S. District Court  
Western District of TexasBy [Signature]  
Deputy**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
(Probation Form 49, Waiver of Hearing is Attached)Name of Offender: Timothy Sean Ostaszewski Case Number: SA-11-CR-540(1)FBName of Sentencing Judicial Officer: Honorable Fred Biery, Chief United States District JudgeDate of Original Sentence: April 20, 2012Original Offense: Count One: Bank Fraud, 18 U.S.C. §1344  
Count Two: Aggravated Identity Theft, 18 U.S.C. § 1028A(a)(1)Original Sentence: 37 months imprisonment on Count One and 24 months on Count Two, to be served  
consecutively, followed by 5 years supervised release on Count One and 1 year on Count  
2, to run concurrently, \$50,516.81 restitution and \$200 special assessment.Type of Supervision: Supervised Release Date Supervision Commenced: January 5, 2015**PREVIOUS COURT ACTION**

None.

**PETITIONING THE COURT**☐ To extend the term of supervision \_\_\_ years, for a total of \_\_\_ years.☒ To modify the conditions of supervision as follows:

**"If the defendant is unable to pay the restitution immediately, the defendant shall pay the entire balance of the restitution at a rate of no less than \$75.00 per month, due by the third day of each month beginning March, 2015. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible."**

Timothy Ostaszewski  
SA-11-CR-540(1)FB  
February 2, 2015  
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CAUSE

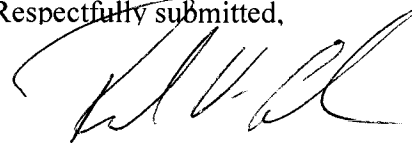
Ostaszewski's term of supervised release began on January 5, 2015, and his supervision is scheduled to expire on January 4, 2020. He is currently working for Goodwill Industries, earning approximately \$1,000 per month. Mr. Ostaszewski asserts he will make monthly payments toward his restitution. He has agreed to set his scheduled monthly fine payment at \$75 per month, and agreed to the modification as evidenced by his signature on the Probation Form 49.

Approved:

Respectfully submitted,



Cynthia Mendiola  
Supervising U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 5311



Rogelio V. Gonzales  
U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 5380  
Date: February 2, 2015

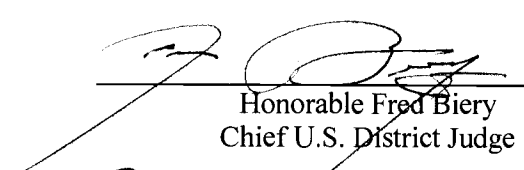
cc: Ray Gattinella  
Assistant U.S. Attorney

Suzan R. Contreras  
Assistant Deputy Chief U.S. Probation Officer

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THE COURT ORDERS:

- ☐ None.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other \_\_\_\_\_



Honorable Fred Biery  
Chief U.S. District Judge

February 9, 2015  
Date

PROB 49  
(3/89)

**United States District Court  
Western District of Texas**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision.


**"If the defendant is unable to pay the restitution immediately, the defendant shall pay the entire balance of the restitution at a rate of no less than \$75.00 per month, due by the third day of each month beginning March, 2015. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible."**

Witness:



U.S. Probation Officer

Signed:



Probationer or Supervised Releasee

02/02/2015  
Date